| IN THE UNITED | STATES DISTRICT COURT |
|---|---|
| | RN DISTRICT OF VIRGINIA |
| Rich | hmond Division |
| JACK and HEIDI NEWBROUGH, Co-Administrators of the Estate of Guido Newbrough, Deceased, | AUG 2 9 2012 CLERK, U.S. DISTRICT COURT RICHMOND, VA |
| Plaintiffs, | \ |
| v. |) Civil Action No. 3:10CV867–HEH |
| PIEDMONT REGIONAL JAIL AUTHORITY, et al., |))) |
| Defendants. | ,) |

ORDER

(Denying Motions to Dismiss; Vacating Entries of Default; Closing Case)

THIS MATTER is before the Court on several motions to dismiss Plaintiffs' Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) filed by Defendants Edward I. Gordon (Dk. No. 138); Sheletha Johnson, Katie Toney, Crystal Wise, and Joanna Scott (Dk. No. 140); and Piedmont Regional Jail Authority and Ernest L. Toney (Dk. No. 142). This Court having approved the compromise of Plaintiffs' claim under the Virginia Wrongful Death Act, Virginia Code § 8.01-55, and the parties having reached a settlement of all other outstanding claims, these motions are DENIED AS MOOT.

Upon the agreement of the parties, it is further ORDERED that the Clerk's entries of default as to Defendants Kandra Randolph and Malcolm Tillerson on June 3, 2011 (Dk. No. 37) are hereby VACATED. Defendants Randolph and Tillerson are hereby DISMISSED WITH PREJDUICE from this action.

Consistent with the parties' Settlement Agreement, the Court hereby RETAINS

JURISDICTION to enforce the terms therein.

The Clerk is DIRECTED to send a copy of this Order to all counsel of record.

This case is administratively CLOSED.

It is so ORDERED.

Henry E. Hudson

United States District Judge

Date: Aus 29 2012 Richmond, VA